Missouri Department of Natural Resources
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Missouri Status on Implementation of the Eight-Hour Ozone Standard

Air Pollution Control Program fact sheet 5/2003

In December 2002, the state received a letter from the Environmental Protection Agency (EPA) requesting a recommendation on geographic boundaries for eight-hour ozone nonattainment areas. Under the Clean Air Act, the state recommends boundaries for a nonattainment area when a new standard is announced. EPA then makes the final decision on the boundaries. This will affect St. Louis and Kansas City. Originally, the recommendation was due to EPA by April 15, 2003, however, EPA has extended this deadline until July 15, 2003.

The department initially worked up a boundary designation document in July 2000, and sent a recommendation to EPA regarding the classification of counties under the new 8-hour ozone standard. The department formulated the recommendation using guidance established by EPA. For the Kansas City metro area, the department recommended that counties of Clay, Platte and Jackson be included in the designated nonattainment area. For St. Louis, the department recommended Jefferson, Franklin, St. Charles and St. Louis, along with the city of St. Louis be included in the designated nonattainment area. (This is the same boundary as under the one-hour standard). The 1997-1999 air quality data was used in the recommendation.

Representatives from nine environmental organizations filed a notice of a citizen suit under the Clean Air Act on May 30, 2002, alleging that the EPA Administrator failed to announce air quality designations by the required statutory deadline. The U.S. District Court for the District of Columbia filed a Consent Decree on Nov. 13, 2002. This Decree stated that the EPA and the environmental groups had agreed on a schedule for the EPA to announce air quality designations for the eight-hour ozone NAAQS. The Decree set April 15, 2004, as the date EPA will finalize the area designations for the eight-hour ozone NAAQS.

The 2000 proposal is being revisited and updated to formulate a new proposal for the state's recommendation to EPA. The updated recommendation to be submitted this July will use 2000-2002 quality assured federal reference or equivalent air quality monitoring data, and the same EPA guidance as the 2000 proposal. While EPA never formally acted on the July 2000 recommendation, they did provide an initial response that suggested further evaluation of Lincoln, Warren, Ste. Genevieve and St. Francois counties.

The department has been conducting stakeholder meetings in both Kansas City and St. Louis to invite participation from the potentially affected parties. In St. Louis, the stakeholders participating include environmental and industry groups, as well as officials from the four additional counties being evaluated for potential inclusion.

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The department is working with these workgroups to formalize the boundary recommendation, expecting to publish by May 26 for public comments. There will be a public hearing on June 26, 2003 before the Missouri Air Conservation Commission. Once the commission adopts the boundary recommendation in their July meeting, the department will be submitting the recommendation to EPA in July 2003.

This process is only addressing designation of the nonattainment area boundaries, and not potential strategies for reducing ozone pollution. At this time, the impact of the designation is unknown, since EPA has not yet released its implementation strategy for the new standard. EPA is expected to issue this in a rulemaking later this month.